

Exhibit N

1 UNITED STATES DISTRICT COURT

2 EASTERN DISTRICT OF VIRGINIA

3 ALEXANDRIA DIVISION

4 - - - - - x

5 UNITED STATES, et al., :

6 Plaintiffs, :

7 v. : Case No.

8 GOOGLE, LLC, : 1:23-cv-00108

9 Defendant. :

10 - - - - - x

Monday, March 4, 2024

Washington, D.C.

11 Job No. CS6484199

12 Videotaped Deposition of:

13 WAYNE D. HOYER, Ph.D.,

14 called for oral examination by counsel for the

15 Defendant, pursuant to notice, at the United States

16 Department of Justice, Antitrust Division, 450 Fifth

17 Street, Northwest, Suite 11-248, Washington,

18 D.C. 20001, before Christina S. Hotsko, RPR, CRR, of

19 Veritext Legal Solutions, a Notary Public in and for

20 the District of Columbia, beginning at 8:33 a.m.,

21 when were present on behalf of the respective

22 parties:

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1 Q. I'm asking about Advertiser Perceptions'
2 surveys, not the surveys that Dr. Simonson
3 conducted.

4 Are we on the same page?

5 A. Okay. Same criticism of that. They just
6 ask frequent -- they don't ask frequency. They
7 just ask how many tools used.

8 Q. You think Advertiser Perceptions' surveys
9 were flawed because they don't ask about frequency
10 of use?

11 MR. SHEANIN: Objection. Form.
12 Foundation.

13 THE WITNESS: As I said before, I haven't
14 seen their surveys.

15 BY MS. DEARBORN:

16 Q. Right. You haven't reviewed any of
17 Advertiser Perceptions' other surveys, correct?

18 A. That's correct.

19 Q. So you have no basis to say whether
20 they're asking about frequency of use.

21 A. Well, other than what's said in the
22 footnote of the Simonson report.

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1 Q. Okay. So your entire opinion is based on
2 the footnote -- on this score is based on the
3 footnote in Dr. Simonson's report?

4 MR. SHEANIN: Objection. Form.
5 Misstates testimony. Foundation.

6 THE WITNESS: As I've said, I'm not
7 criticizing Ad Perceptions. I criticize
8 Simonson's report and the fact that there's no
9 information on frequency of use.

10 BY MS. DEARBORN:

11 Q. Okay. Well, you do question
12 Dr. Simonson -- the results of Dr. Simonson's
13 survey, don't you?

14 A. Yes.

15 Q. And you have no basis to opine one way or
16 the other as to whether the results in the survey
17 are similar or different to those that
18 Advertiser Perceptions has reached in other
19 surveys that it's conducted, right?

20 MR. SHEANIN: Objection. Form.
21 Foundation.

22 THE WITNESS: That's correct.

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<p>Page 254</p> <p>[REDACTED]</p>	<p>Page 256</p> <p>[REDACTED]</p>
<p>Page 255</p> <p>[REDACTED]</p>	<p>Page 257</p> <p>[REDACTED]</p>

65 (Pages 254 - 257)

<div>Page 258</div> <div>[REDACTED]</div>	<div>Page 260</div> <div>[REDACTED]</div>
<div>Page 259</div> <div>[REDACTED]</div>	<div>Page 261</div> <div>[REDACTED]</div>

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<p>Page 266</p> <p>[REDACTED]</p>	<p>Page 268</p> <p>[REDACTED]</p>
<p>Page 267</p> <p>[REDACTED]</p>	<p>Page 269</p> <p>[REDACTED]</p>

68 (Pages 266 - 269)

<p>Page 270</p> <p>[REDACTED]</p>	<p>Page 272</p> <p>[REDACTED]</p>
<p>Page 271</p> <p>[REDACTED]</p>	<p>Page 273</p> <p>[REDACTED]</p>

<div>Page 274</div> <div>[REDACTED]</div>	<div>Page 276</div> <div>[REDACTED]</div>
<div>Page 275</div> <div>[REDACTED]</div>	<div>Page 277</div> <div>[REDACTED]</div>

70 (Pages 274 - 277)

<div>Page 278</div> <div>[REDACTED]</div>	<div>Page 280</div> <div>[REDACTED]</div>
<div>Page 279</div> <div>[REDACTED]</div>	<div>Page 281</div> <div>[REDACTED]</div>


71 (Pages 278 - 281)

<div>Page 282</div> <div>[REDACTED]</div>	<div>Page 284</div> <div>[REDACTED]</div>
<div>Page 283</div> <div>[REDACTED]</div>	<div>Page 285</div> <div>[REDACTED]</div>

<p>Page 326</p> <p>[REDACTED]</p>	<p>Page 328</p> <p>[REDACTED]</p>
<p>Page 327</p> <p>[REDACTED]</p>	<p>Page 329</p> <p>[REDACTED]</p>

<p>Page 330</p> <p>[REDACTED]</p>	<p>Page 332</p> <p>[REDACTED]</p>
<p>Page 331</p> <p>[REDACTED]</p>	<p>Page 333</p> <p>[REDACTED]</p>

<p>Page 334</p> <p>[REDACTED]</p>	<p>Page 336</p> <p>[REDACTED]</p>
<p>Page 335</p> <p>[REDACTED]</p>	<p>Page 337</p> <p>[REDACTED]</p>

<p style="text-align: right;">Page 458</p> <p>1 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] 11 MR. SHEANIN: Thank you. I have no 12 further questions. 13 MS. DEARBORN: Nothing further. 14 VIDEO TECHNICIAN: Okay. This now ends 15 the deposition of Dr. Wayne Hoyer. We're off the 16 record at 5:16 p.m. 17 (Whereupon, at 5:16 p.m., the videotaped 18 deposition of WAYNE D. HOYER, Ph.D., was 19 concluded.) 20 21 22</p>	
<p style="text-align: right;">Page 459</p> <p>1 CERTIFICATE OF NOTARY PUBLIC 2 I, CHRISTINA S. HOTSKO, the officer before 3 whom the foregoing deposition was taken, do hereby 4 certify that the witness whose testimony appears in 5 the foregoing deposition was duly sworn by me; that 6 the testimony of said witness was taken by me in 7 stenotypy and thereafter reduced to typewriting under 8 my direction; that said statement is a true record of 9 the proceedings; that I am neither counsel for, 10 related to, nor employed by any of the parties to the 11 action in which this statement was taken; and, 12 further, that I am not a relative or employee of any 13 counsel or attorney employed by the parties hereto, 14 nor financially or otherwise interested in the 15 outcome of this action. 16 Dated: March 6, 2024 17 18  19 CHRISTINA S. HOTSKO 20 Notary Public in and for the 21 District of Columbia 22 My commission expires: 22 1 January 2027</p>	

HIGHLY CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER

		is they were asked to focus on their biggest client."	is they were asked to focus on the client they spent the most time on. "	
169	1-5	[REDACTED]	[REDACTED]	Clarification
173	12	[REDACTED]	[REDACTED]	Correction
199	1	"colleagues from the University of Bern in Wharton"	"colleagues from the University of Bern and Wharton"	Clarification
203	8-10	"To ensure that our sample contains a sufficient number of companies with both hot -- low and high degrees of.."	"To ensure that our sample contains a sufficient number of companies with both -- low and high degrees of.."	Typo
220	2-4	[REDACTED]	[REDACTED]	Clarification
241	6-7	"It's not – there are not multiple quotes"	" There are multiple quotes"	Typo; Clarification
252-253	21-5	[REDACTED]	[REDACTED]	Transcription Error; Clarification
253	10-11	[REDACTED]	[REDACTED]	Clarification
278	17	[REDACTED]	[REDACTED]	Typo
299	6-9	[REDACTED]	[REDACTED]	Clarification

HIGHLY CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER

314-315	21-2	“Because in Simon's [sic] report, people are opting to change and spending more and switching, diverting, in his question.”	“Because in Simonson's report, people are opting to change and spending more and switching, diverting, in his question.”	Typo
353	13-14	[REDACTED]	[REDACTED]	Typo
356	21-22	[REDACTED]	[REDACTED]	Clarification
386	4-5	[REDACTED]	[REDACTED]	Typo
392	11	[REDACTED]	[REDACTED]	Clarification
397	9-10	[REDACTED]	[REDACTED]	Typo
412	6-7	[REDACTED]	[REDACTED]	Clarification
429	2-5	[REDACTED]	[REDACTED]	Clarification
430	2-3	[REDACTED]	[REDACTED]	Clarification

Wge Q1h